

REMARKS/ARGUMENTS

Prior to the entry of this Amendment, claims 10-17 and 26-32 were pending in this application. Claim 10 has been amended, no claims have been canceled, and no claims have been added herein. Therefore, claims 10-17 and 26-32 are now pending in this application. Applicants respectfully request reconsideration of these claims, as amended, for at least the reasons presented below.

35 U.S.C. § 102 Rejection, Elwahab

Claims 10 and 17 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Application Publication No. 2001/0034754 A1 of Elwahab et al. (hereinafter "Elwahab"). The Applicants respectfully submit the following arguments pointing out significant differences between claims 10 and 17 submitted by the Applicants and Elwahab.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPBP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully argue that Elwahab fails to disclose each and every claimed element. For example, Elwahab fails to disclose, either expressly or inherently, abstracting a content object from a first content object entity and selected from a group consisting of a voicemail object, an email object, a video object, an audio object, and an Internet web page, distinguishing the abstracted content object into another content object also selected from a group consisting of a voicemail object, an email object, a video object, an audio object, and an Internet web page but different from the first content object, and providing the distinguished content object to a second content object entity.

Elwahab is directed to "a Markup-Language-type content server used in conjunction with a customer premise gateway, via Markup-Language-type pages (e.g., HTML, XML, and the like), remote access and control of smart devices, appliances, personal computers,

and other devices and systems connected at a customer premise via different communication means and protocols.” (para. 3) That is, Elwahab discloses a system for allowing a user to remotely control appliances within his home, e.g., HVAC, lighting, security system. (para. 9).

As recited in the pending claims, a content object is selected from a group consisting of a voicemail object, an email object, a video object, an audio object, a document object, and an Internet web page. Elwahab does not disclose abstraction or distinction of such content. For example, Elwahab does not disclose abstraction or distinction of video objects, audio objects or other content. Rather, Elwahab describes a system for allowing a user to remotely control appliances within his home, e.g., HVAC, lighting, security system. Furthermore, the claims recite the third content object being selected from the same object types but different from the first content object. Elwahab does not disclose abstracting a first content object from a first content object entity in a format compatible with a first content object entity into a second content object in an abstract form and distinguishing the second (abstract) content object to create a third content object in a second content format that is compatible with a second content object entity and different from the first content format.

In response to the argument that Elwahab does not disclose these claim recitations, the final Office Action:

“Maintains that Elwahab device specification/commands that are stored in the CPG are either flat file or markup language objects. Thereafter, these object are abstracted into a markup language-type page for presentation to a user (e.g. see Elwahab’s paragraph 0034). Thereafter, the abstracted first content object (i.e. specification/commands), now in a markup object, is distinguished to a respective smart device (as stated in the previous Office Action). In other words, Elwahab’s system distinguishes the abstracted object into a set of commands (e.g. third object to be sent, and thus provided, to a respective smart device.)” (final Office Action pages 10 and 11)

The Applicants also note that the final Office Action contends “that as ‘content objects’ is a very broad term, and in light of the claims, an object may broadly define a documents object, that specifications/commands for a device stored in XML or flat format, that

are accessed, displayed as a markup page and then converted into commands that are provided to smart devices, teach said content objects.” (final Office Action page 11)

However, the Applicants respectfully note that the independent claim recites “wherein the third content object is selected from a group consisting of a voicemail object, an email object, a video object, an audio object, and an Internet web page, and wherein the third content object is different from the first content format.” Even if the specifications/commands stored by the CPG of Elwahab can be considered to disclose a first content object as recited in the pending claims, nothing in Elwahab describes a third content object (i.e., the distinguished content object) being selected from a group consisting of a voicemail object, an email object, a video object, an audio object, and a web page and wherein the third content object is different from the first content format. That is, even if specifications/commands stored by the CPG can be considered to describe a web page, the set of commands identified by the final Office Action as describing the distinguished, third content object cannot reasonably be read to describe a voicemail object, an email object, a video object, or an audio object. Thus, the Applicants maintain that Elwahab does not disclose, expressly or inherently, abstracting a content object from a first content object entity and selected from a group consisting of a voicemail object, an email object, a video object, and an audio object, and an Internet web page, distinguishing the abstracted content object into another content object also selected from a group consisting of a voicemail object, an email object, a video object, an audio object, and an Internet web page but different from the first content object, and providing the distinguished content object to a second content object entity.

Claim 10, upon which all currently pending claims depend, recites in part, “accessing a first content object from a first content object entity within the customer’s premises, wherein the first content object is in a first content format compatible with the first content object entity and wherein the first content object is selected from a group consisting of a voicemail object, an email object, a video object, an audio object, and an Internet web page; abstracting the first content object to create a second content object in an abstract format, wherein the abstract

format is compatible with a plurality of content formats; distinguishing the second content object to create a third content object, wherein the third content object is in a second content format that is compatible with a second content object entity within the customer's premises, wherein the third content object is selected from a group consisting of a voicemail object, an email object, a video object, an audio object, and an Internet web page, and wherein the third content object is different from the first content format; and providing the third content object to the second content object entity." Elwahab does not disclose, either expressly or inherently, abstracting a data type of a content object selected from a group consisting of a voicemail object, an email object, a video object, an audio object, and an Internet web page, distinguishing the abstracted content object into another content object also selected from a group consisting of a voicemail object, an email object, a video object, an audio object, and an Internet web page but different from the first content object, and providing the third content object to the second content object entity. For at least these reasons, the rejection is improper and should be withdrawn.

35 U.S.C. § 103 Rejections, Elwahab in view of Jeffrey

The Office Action has rejected claims 11-14, 16, and 26-30 under 35 U.S.C. §103(a) as being unpatentable over Elwahab as applied to claims 10 and 17 above, in view of U.S. Patent No. 6,576,981 of Jeffrey (hereinafter "Jeffrey"). As discussed above, claim 10, upon which claims 11-14 and 16 depend is thought to be allowable. Therefore, claims 11-14, and 16, are also thought to be allowable at least by virtue of their dependence on an allowable base claim. For at least these reasons, the Applicants request withdrawal of the rejection.

35 U.S.C. § 103 Rejections, Elwahab and Jeffrey and further in view of Baer

The Office Action has rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Elwahab and Jeffrey, as applied to claims 11-14, and 16 above, in view of U.S. Patent No. 6,611,840 of Baer et al (hereinafter "Baer"). As discussed above, claim 10, upon which claim 15 depends, is thought to be allowable. Therefore, claim 15 is also thought to be

Appl. No. 10/632,661
Amdt. dated September 8, 2009
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2167

PATENT

allowable at least by virtue of its dependence on an allowable base claim. For at least these reasons, the Applicants request withdrawal of the rejection.

35 U.S.C. § 103 Rejections, Elwahab in view of Detlef

The Office Action has rejected claims 31 and 32 under 35 U.S.C. §103(a) as being unpatentable over Elwahab, in view of U.S. Patent No. 6,351,523 to Detlef (hereinafter "Detlef"). As discussed above, claim 10, upon which claims 31 and 32 depend, is thought to be allowable. Therefore, claims 31 and 32, are also thought to be allowable at least by virtue of their dependence on an allowable base claim. For at least these reasons, the Applicants request withdrawal of the rejection.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/William J. Daley/
William J. Daley
Reg. No. 52,471

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000 (Denver)
Fax: 303-571-4321 (Denver)
WJD/jep
62164963 v1